

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

THRIVENT FINANCIAL FOR
LUTHERANS,

Plaintiff,

v.

Case No. 09-cv-483-JPG

RICHARD LIEFER, *as Trustee of the Hulda Alice Yud Family Trust dated July 27, 1993 and as the Personal Representative of the Estate of Hulda A. Yud*, HULDA ALICE YUD REVOCABLE INTER VIVOS TRUST, *a Living Trust Agreement dated July 27, 1993*, and HULDA A. YUD FAMILY TRUST, *a Living Trust Agreement dated February 19, 1995*,

Defendants.

MEMORANDUM & ORDER

This matter comes before the Court on Plaintiff Thrivent Financial for Lutherans' ("Thrivent") Motion for Default Judgment (Doc. 33) and Thrivent and Defendant Richard Liefer's ("Liefer") Motion for Entry of Consent Judgment (Doc. 30).

I. Default Judgment

Thrivent seeks default judgment against Defendant Hulda Alice Yud Revocable Inter Vivos Trust ("Trust 1") and Defendant Hulda A. Yud Family Trust ("Trust 2") due to their failure to appear or otherwise defend in this case. This Court previously allowed Thrivent to serve Trust 1 and Trust 2 via publication, so long as certain requirements were fulfilled. (*See* Doc. 20, p. 3). As the docket sheet shows, Thrivent adhered to these strict requirements; thus, both Trust 1 and Trust 2 have been properly served. Additionally, upon recent motion and affidavit by Thrivent, the Clerk of Court entered default against Trust 1 and Trust 2. (*See* Doc. 32).

Having fully considered the record in this case, especially Thrivent's Complaint (Doc. 2) for reformation, the instant motion, and all relevant exhibits, the Court finds default judgment against Trust 1 and Trust 2 to be appropriate. The Court also notes that default judgment may be taken at this time, as the first publication of this matter was in *The Benton Evening News* on November 27, 2009. (See Doc. 24); 735 ILL. COMP. STAT. 5/2-207 (2008) ("No default or proceeding shall be taken against any defendant not served with summons, or a copy of the complaint, and not appearing, unless the first publication be at least 30 days prior to the time when the default or other proceeding is sought to be taken."). As such, the Court **GRANTS** Thrivent's Motion for Default Judgment (Doc. 33). The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

II. Consent Judgment

The Court has reviewed Thrivent and Liefer's proposed consent judgment and hereby approves its terms. Therefore, the Court **GRANTS** Thrivent and Liefer's Motion for Consent Judgment (Doc. 30) and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: February 11, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE